

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Grace,

Civ. No. 21-1684 (PAM/JFD)

Petitioner,

v.

ORDER

B. Birkholz and Michael Carvajal,

Respondents.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge John F. Docherty dated August 23, 2021. (Docket No. 8.) The R&R recommends that Petitioner James Grace’s Petition for habeas-corpus relief be dismissed without prejudice for failure to prosecute. No party objected to the R&R, and the time to do so has passed. D. Minn. L.R. 72.2(b)(1).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s reasoning.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R (Docket No. 8) is **ADOPTED**; and
2. The Petition (Docket No. 1) is **DISMISSED without prejudice** under Fed. R. Civ. P. 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Tuesday, September 21, 2021

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge